

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Andy Lee Liquors, Inc.	
t/a To Be Determined	Protest
914 H Street, NE	Hearing
Retailer A - ANC-6A	(Status)
License No. 93550	
Case #14-PRO-00028	

(New Application)

May 21, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

P-R-O-C-E-E-D-I-N-G-S

(9:33 a.m.)

CHAIRPERSON MILLER: Good morning, ladies and gentlemen. I would like to welcome you to the regularly scheduled meeting of the District of Columbia Alcoholic Beverage Control Board. Today is May 21, 2014.

My name is Ruthanne Miller. I'm the Chairperson. Joining me to my far right is Mr. Donald Brooks. Next to Mr. Donald Brooks is Mr. Nick Alberti and next to Mr. Alberti is Mr. Hector Rodriguez. To my immediate left is Mr. Mike Silverstein and next to Mr. Silverstein is Mr. Jim Short.

So we have six Members in attendance this morning for the conduct of business and three constitutes a quorum.

Copies of today's hearing calendar and agenda are available at the receptionist desk. Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we ask you to refrain from any

1 disruptive noises or actions in the hearing
2 room.

3 If you have any electronic
4 devices, such as pagers, cell phones, please,
5 make certain that they are turned off to avoid
6 any interruption of the proceedings.

7 When I call your case, please,
8 come forward and take a seat at the table.
9 You will note that there is a piece of paper
10 on each table for you to sign-in. This is to
11 ensure the correct spelling of your name for
12 the record.

13 The Open Meetings Act requires
14 that the public hearing on each case be open
15 to the public. The Board may, consistent with
16 Section 405(b) of the Open Meetings Act, enter
17 a closed meeting during or after the public
18 hearing on a case to consult with an attorney
19 to obtain legal advice, discuss settlement
20 agreements or deliberate upon a decision in an
21 adjudication proceeding.

22 Okay. That completes my general

1 remarks and I am now going to start calling
2 the cases on the morning calendar.

3 I'm going to pass the first case
4 on the calendar that is Case No. 14-PRO-00028,
5 Andy Lee Liquors, because I have been informed
6 that Mr. Williams from the ANC has called in
7 and is stuck in traffic. So we will get to
8 that one later in the morning.

9 (Whereupon, at 9:35 a.m. a recess
10 until 9:46 a.m.)

11 CHAIRPERSON MILLER: Okay. Let me
12 see, is Mr. Williams here? Okay. Is anybody
13 else here on that first case, Andy Lee
14 Liquors? You are here. Okay. Let's put you
15 on the record. You are finished except we
16 have a Show Cause Hearing.

17 MS. PHILLIPS: Well, Mixtec was
18 still on my calendar.

19 CHAIRPERSON MILLER: Oh.

20 MS. PHILLIPS: So --

21 CHAIRPERSON MILLER: Let's do
22 that.

1 MS. PHILLIPS: Yes.

2 CHAIRPERSON MILLER: Okay. I'm
3 sorry.

4 (Whereupon, off the record for a
5 recess.)

6 CHAIRPERSON MILLER: So it's 9:49.
7 I'm going to get back to Case No. 14-PRO-
8 00028, Andy Lee Liquors. Oh, you are here.

9 MR. WILLIAMS: I am, sorry.

10 CHAIRPERSON MILLER: Oh, good.
11 Okay. Thank you. Mr. Williams is here. So
12 we are ready to take this.

13 When the parties are ready, if you
14 would introduce yourselves for the record?
15 Would you introduce yourself, please?

16 MR. LEE: Sure. My name is Andy
17 Lee.

18 CHAIRPERSON MILLER: Okay.

19 MR. MATTHEWS: Jermaine Matthews
20 on behalf of the applicant.

21 CHAIRPERSON MILLER: Okay. Great.

22 MR. WILLIAMS: And good morning,

1 Jay Williams on behalf of ANC-6A.

2 CHAIRPERSON MILLER: Great. Okay.

3 So this is a Protest Hearing for a new
4 application. Are there any matters you want
5 to bring to the Board's attention?

6 MR. WILLIAMS: I think we have an
7 agreement in principle. It's not the printed
8 settlement agreement I brought for signing.
9 I think we need to make a couple minor
10 changes, but based on the conversation I just
11 had with Mr. Matthews, we will need to talk to
12 Mr. Lee, as well of course. I believe we will
13 have something that I will probably have to
14 submit later, because I don't have a written
15 copy that can be signed, but as long as we
16 agree in principle, I think we are in good
17 shape. And maybe if we had like five minutes
18 to talk about it, I think we might be able to
19 definitively say one way or the other if
20 that's acceptable.

21 CHAIRPERSON MILLER: Okay.

22 MR. WILLIAMS: Just so we don't

1 have to schedule things.

2 CHAIRPERSON MILLER: So this is a
3 status --

4 MR. WILLIAMS: Status again.

5 CHAIRPERSON MILLER: -- so we
6 don't have to --

7 MR. WILLIAMS: So it doesn't
8 really matter.

9 CHAIRPERSON MILLER: -- know this
10 minute.

11 MR. WILLIAMS: Yes.

12 CHAIRPERSON MILLER: I mean, it
13 sounds --

14 MR. WILLIAMS: That's a good
15 point. We already have a date.

16 CHAIRPERSON MILLER: Yeah. It
17 sounds like you are in a good position, so if
18 you have a settlement agreement to submit to
19 us when it is ready --

20 MR. WILLIAMS: Um-hum.

21 CHAIRPERSON MILLER: -- we will
22 deal with it. So because you don't have a

1 signed, sealed agreement, at this point, I'm
2 just going to give you your Protest Hearing
3 date, which is June 4, 2014 at 1:30 p.m.

4 And just bring to your attention
5 the same matters I brought to the attention of
6 the other parties who have Protest Hearings,
7 if you heard them.

8 Basically, that these hearings
9 need to be focused on the appropriate issues
10 and that has been accomplished by the Board
11 providing you with what's called a Protest
12 Information Forms and Exhibit Forms. And
13 Tesha Anderson is the person who sends them
14 out. So if you don't settle, you should be
15 getting in a few weeks these forms.

16 And they have to be filled out and
17 submitted to the Board and the opposing
18 parties within seven days of the hearing.

19 The Protest Information Form
20 identifies witnesses and issues that you are
21 going to be presenting at the hearing. And
22 the Exhibit Form identifies the exhibits.

1 If we don't receive a copy of your
2 PIF, your application or your protest, that's
3 the Protest Information Form, may be subject
4 to dismissal. If we don't receive a copy of
5 the Exhibit Form and the exhibits themselves,
6 your exhibits may be excluded from the record
7 upon a finding that the opposing party has
8 been prejudiced or no good cause for failure
9 to submit has been shown.

10 Likewise, witnesses other than a
11 party may also be subject to exclusion. So
12 these forms are very important to the parties
13 and the Board and they are required. So if
14 you don't settle, make sure you pay attention
15 to them and their due dates.

16 And if you have any questions
17 about them, you can call our General Counsel,
18 Martha Jenkins. All right. Any questions?

19 MR. WILLIAMS: No.

20 CHAIRPERSON MILLER: Okay. Well,
21 good luck with your settlement.

22 MR. WILLIAMS: Thank you.

1 MR. LEE: Thank you.

2 CHAIRPERSON MILLER: Thank you
3 very much. All right.

4 We don't have another hearing
5 until 10:00, so we are going to recess, at
6 this point. Okay.

7 (Whereupon, the Protest (Status)
8 Hearing in the above-entitled matter was
9 concluded at 9:52 a.m.)

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